

48A C.J.S. Judges § 137

Corpus Juris Secundum | August 2023 Update

Judges

Joseph Bassano, J.D.; Khara Singer-Mack, J.D.; Thomas Muskus, J.D.; Karl Oakes, J.D. and Jeffrey J. Shampo, J.D.

V. Discipline, Suspension, or Removal

D. Proceedings

5. Hearing and Determination

§ 137. Reference

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West's Key Number Digest

West's Key Number Digest, [Judges](#)  11(8)

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The appointment of a federal magistrate to conduct the hearings and make findings of fact may be authorized where the judges of the court are unable to do so, and the judges of the court are to take any appropriate action following the hearing and the preparation of supplemental fact-findings.² The failure to appoint a referee is not an arbitrary and capricious denial of statutory procedure where the importance of the matter warrants the exclusive involvement of the commission.³

The administrator of a disciplinary commission may not introduce additional evidence of misconduct during the argument of motions addressed to a report of a referee in connection with the consideration by the commission of the sanctions to be imposed.⁴

The report of a master must contain adequate findings of fact and conclusions of law.⁵ The decision of the commission in support of its findings is sufficient where it adopts the findings of a master as a conclusion of law.⁶

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Footnotes

- 1 Alaska—*In re Hanson*, 532 P.2d 303 (Alaska 1975).
- 2 U.S.—*Matter of Investigation of Administration of Bankruptcy Court*, 610 F.2d 547 (8th Cir. 1979).
- 3 Minn.—*In re Gillard*, 271 N.W.2d 785 (Minn. 1978).
- 4 N.Y.—*Spector v. State Commission on Judicial Conduct*, 47 N.Y.2d 462, 418 N.Y.S.2d 565, 392 N.E.2d 552 (1979).
- 5 Mich.—*Matter of Mikesell*, 396 Mich. 517, 243 N.W.2d 86 (1976).
- 6 Wis.—*In re Van Susteren*, 82 Wis. 2d 307, 262 N.W.2d 133 (1978).